

REFERENCE TITLE: prescriptions; confidentiality

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1518**

Introduced by  
Senators Burton Cahill, Hale, Pesquiera: Aboud, Aguirre, Arzberger,  
Garcia; Representative Ableser

## AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1973; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
3 is amended by adding section 32-1973, to read:

4       32-1973. Prescription information; confidentiality;  
5                   unprofessional conduct; civil penalty; definition

6       A. RECORDS RELATING TO PRESCRIPTION INFORMATION THAT CONTAIN  
7 PATIENT-IDENTIFIABLE AND PRESCRIBER-IDENTIFIABLE DATA SHALL NOT BE LICENSED,  
8 TRANSFERRED, USED OR SOLD BY ANY PHARMACY BENEFITS MANGER, INSURANCE COMPANY,  
9 ELECTRONIC TRANSMISSION INTERMEDIARY, RETAIL, MAIL ORDER OR INTERNET PHARMACY  
10 OR OTHER SIMILAR ENTITY FOR ANY COMMERCIAL PURPOSE. THIS SUBSECTION DOES NOT  
11 PROHIBIT THE USE OF PRESCRIPTION INFORMATION FOR THE FOLLOWING PURPOSES:

12       1. CASE MANAGEMENT.

13       2. UTILIZATION REVIEW BY A HEALTH CARE PROVIDER, THE PATIENT'S  
14 INSURANCE PROVIDER OR THE AGENT OF EITHER.

15       3. HEALTH CARE RESEARCH.

16       4. AS OTHERWISE PROVIDED BY LAW.

17       B. THIS SECTION DOES NOT PROHIBIT:

18       1. THE DISPENSING OF PRESCRIPTION MEDICATIONS TO A PATIENT OR TO THE  
19 PATIENT'S AUTHORIZED REPRESENTATIVE.

20       2. THE TRANSMISSION OF PRESCRIPTION INFORMATION BETWEEN AN AUTHORIZED  
21 PRESCRIBER AND A LICENSED PHARMACY.

22       3. THE TRANSFER OF PRESCRIPTION INFORMATION BETWEEN LICENSED  
23 PHARMACIES.

24       4. THE TRANSFER OF PRESCRIPTION RECORDS THAT MAY OCCUR IF A PHARMACY  
25 OWNERSHIP IS CHANGED OR TRANSFERRED.

26       5. CARE MANAGEMENT EDUCATIONAL COMMUNICATIONS PROVIDED TO A PATIENT  
27 ABOUT THE PATIENT'S HEALTH CONDITION, ADHERENCE TO A PRESCRIBED COURSE OF  
28 THERAPY OR OTHER INFORMATION ABOUT THE DRUG BEING DISPENSED, TREATMENT  
29 OPTIONS OR CLINICAL TRIALS.

30       C. THIS SECTION DOES NOT PROHIBIT THE COLLECTION, USE, TRANSFER OR  
31 SALE OF UNIDENTIFIABLE PATIENT AND PRESCRIBER UNIDENTIFIED DATA BY ZIP CODE,  
32 GEOGRAPHIC REGION OR MEDICAL SPECIALTY FOR COMMERCIAL PURPOSES.

33       D. A PERSON OR PHARMACY THAT VIOLATES THIS SECTION COMMITS AN ACT OF  
34 UNPROFESSIONAL CONDUCT, AND ANY PERSON WHO VIOLATES THIS SECTION IS SUBJECT  
35 TO A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR EACH VIOLATION.

36       E. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL PURPOSE" INCLUDES  
37 ADVERTISING, MARKETING, PROMOTION OR ANY OTHER ACTIVITY THAT COULD BE USED TO  
38 INFLUENCE THE SALES OR MARKET SHARE OF A PHARMACEUTICAL PRODUCT, TO INFLUENCE  
39 OR EVALUATE THE PRESCRIBING BEHAVIOR OF AN INDIVIDUAL HEALTH CARE  
40 PROFESSIONAL OR TO EVALUATE THE EFFECTIVENESS OF A PROFESSIONAL  
41 PHARMACEUTICAL DETAILING SALE FORCE.